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FAIRFIELD, CT 06430

EXAMINER

LELE, TANMAY S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/268,080

Applicant(s)

LONKA ET AL.

Examiner

Tanmay S Lele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 - 5, 7, 9 - 13, 15 - 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 - 34 is/are allowed.
- 6) ☒ Claim(s) 35 - 41, 47 - 51 is/are rejected.
- 7) ☒ Claim(s) 2 - 5, 7, 9 - 13, 15 - 19 and 42 - 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 20 – 34 are allowed.

Regarding claim 20, limitations objected by the previous office action are now rewritten in independent form including all of the limitations of the base claim and any intervening claims and thus are in condition for allowance. See previous action (paper number 15) for reasons of allowable subject matter.

Claims 21 – 34 are allowable as being dependent on independent claim 20.

2. Claims 42 – 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 42, the present invention is of a telephone according to claim 40, additionally comprising an elastic member for creating a spring force in between the first and the second part. The closest prior art, Harris et al. (Harris et al., US Patent No. 6,118,986) teaches the use of an elastic member, but not specifically of additionally comprising an elastic member for creating a spring force in between the first and the second part.

Claims 43 – 46 are allowable as being dependent on claim 42.

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the

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fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 28 May 2004 has been entered.

***Double Patenting***

4. Claims 2 – 5, 7, 9 – 13, and 15 – 19 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 20 – 34. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Regarding claims 2 – 5, 7, 9 – 13, and 15 – 19, note these limitations are encompassed by claims 20 – 34. Note that claim 18 recites "...comprises slide rails..." while claim 20 recites "...at least one slide rail..." which effectively encompasses a plurality of slide rails (as per claim 18).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 35 – 39 and 47 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (Murray, US Patent No. 6,011,699) in view of Reber et al. (Reber, US Patent No. 6,002,946) in further view of Applicant's admitted prior art.

Regarding claim 35, Murray teaches of a telephone (column 4, lines 10 – 15) comprising a

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first part (Figure 2 and column 4, lines 10 –15; item 102); a second part attached to the first part (Figure 2 and column 4, lines 10 – 15; item 108), said second part being movable between a first position and a second position (Figure 2 and starting column 22, line 64 and ending column 23, line 2; item 211; opened and closed for example); and in the second part, a second keyboard part for providing control input information to the radio transceiver (Figure 2, item 214, Figures 7 and 10 items 702 and column 8, lines 20 –26) and an arrangement for attaching a battery to the second part parallel to the second keyboard part (Figures 7 and 10, items 702 and 706 and 720), and additionally comprising in the second part a grip design for allowing a user to hold the telephone by the second part (Figure 12).

Murray does not specifically teach of a radio transceiver in the first part and an antenna coupled to said radio transceiver (though it should be noted Murray teaches of an antenna coupled to the transceiver in Figures 7 and 8, items 702 and 116 and further the transceiver resides in the second part, as per Figures 7 and 8 again) and a first keyboard part in the first part.

In a related art dealing with a handheld communications device, Reber teaches of a radio transceiver in the first part and an antenna coupled to said radio transceiver (column 7, lines 64 – 67 and starting column 2, line 67 and ending column 3, line 4).

It would have been obvious to one skilled in the art at the time of invention to have included into Murray's mobile telephone housing design, Reber's transceiver positioning as a matter of design choice, as taught by Reber.

Murray in view of Reber do not teach of a first keyboard part in the first part (though both teach of call reception and initiation; Reber: column 3, lines 35 –44 and Murray: Figure 12)

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In a related art dealing with mobile telephones communications structures, Applicant's admitted prior art teaches of a first keyboard part in the first part (Figure 4).

It would have been obvious to one skilled in the art at the time of invention to have included into Murray and Reber's mobile telephone housing, Applicant's admitted second keypad structure, for the purpose of including additional keys on the first as well known in art (for example to quickly receive or send a call by pressing first part's key such as when in stowed position or in use by a nearby finger), as taught by the admitted prior art.

Regarding claim 36, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 35. Murray, Reber, and Applicant's admitted prior all teach of additionally comprising in the first part a display (Murray: Figures 2 and 4, part 204; Reber Figure 6, item 44; and Applicant's prior art Figure 4, item 404) and in the second part a number keyboard (Murray: Figures 7 and 8 part 720 Reber Figure 6, items 144, 112, 149, 146; and Applicant's prior art Figure 4, item 406) and Applicant's admitted prior art of in the first part a quick-action keyboard (Figure 4, item 405).

Regarding claim 37, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 35. Murray further teaches of additionally comprising in the second part a module (Figure 7, item 718 and column 6, lines 6 –19) which comprises: a circuit board of the number keyboard (Figure 7, item 718 and column 6, lines 6 –19 and starting column 6, line 67 and ending column 7, line 2), a charging connector to form a connection to an external charging device arranged to charge a battery attached to the second part (Figure 7, item 718 and column 6, lines 6 –19 and column 6, lines 38 –43), and a connector to form an electric

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connection between the first and second parts (Figures 3 and 7, item 718 and column 6, lines 6 – 19).

Regarding claim 38, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 37. Murray further teaches of wherein said connector for forming the electric connection between the first and second parts is simultaneously a connector for creating an electric connection between the second part and a battery attached thereto (Figures 3 and 7, item 718 and column 6, lines 28 – 43).

Regarding claim 39, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 37. Murray further teaches of additionally comprising in said module a vibrating alarm device attached to the circuit board of the number keyboard. (Figure 7, item 728; column 6, lines 44 – 57).

Regarding claim 47, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 35. Murray further teaches of wherein the second part is rotatably movable with respect to the first part in between the first and the second positions, for which function the telephone is provided with a hinge in between the first and the second parts (Figure 2 and starting column 22, line 64 and ending column 23, line 2; item 211; opened and closed for example).

Regarding claim 48, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 35. Murray, Reber, and Applicant's admitted prior art further teach of additionally comprising a protecting shell of the first part (Murray: Figure 7; Reber: Figure 6; Applicant's admitted prior art: Figure 4), and Reber further teaches of wherein said antenna is a plane antenna located inside said protecting shell of the first part (Reber: Figure

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6 and starting column 2, line 67 and ending column 3, line 4; note that Murray's antenna is attached to the transceiver, as per Figure 7, item 702).

Regarding claim 49, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 35. Murray further teaches of additionally comprising means for receiving an incoming call by adjusting said first part from the first position to the second position (Figures 2 and 12 and starting column 22, line 64 and ending column 23, line 2; item 211; opened for example).

Regarding claim 50, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 35. Reber further teaches of characterised in that it is a mobile phone of a digital cellular network (starting column 2, line 67 and ending column 3, line 4; note PCS transceivers are examples of digital networks, as well known in the art, for example in Rappaport's Wireless Communications).

Regarding claim 51, Murray in view of Reber and Applicant's admitted prior art teach all the claimed limitations as recited in claim 35. Murray further teaches of wherein said grip by the user is at the area of the lower part of the telephone (Figure 12).

7. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art, in view of Reber et al. (Reber, US Patent No. 6,002,946) in further view of Murray et al. (Murray, US Patent No. 6,011,699).

Regarding claim 35, Applicant's admitted prior art teaches of a telephone comprising a first part (Figure 4, item 402); a second part attached to the first part, said second part being movable between a first position and a second position (Figure 4, item 401 and specification, page 2, lines 24 -26); a first keyboard part in the first part (Figure 4, item 405);



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and in the second part, a second keyboard part for providing control input information to the radio transceiver (Figure 4, item 406), and additionally comprising in the second part a grip design for allowing a user to hold the telephone by the second part (Figure 4, item 401).

Applicant's admitted prior art does not specifically teach of a radio transceiver in the first part and an antenna coupled to said radio transceiver; and an arrangement for attaching a battery to the second part parallel to the second keyboard part.

In a related art dealing with a handheld communications device, Reber teaches of a radio transceiver in the first part (column 7, lines 64 –67 and starting column 2, line 67 and ending column 3, line 4).

It would have been obvious to one skilled in the art at the time of invention to have included into Applicant's admitted prior art's mobile telephone housing design, Reber's transceiver positioning as a matter of design choice, as taught by Reber.

Applicant's admitted prior art in view of Reber do not specifically teach of an antenna coupled to said radio transceiver; and an arrangement for attaching a battery to the second part parallel to the second keyboard part (though it should be noted that antennas attached to transceivers are well known in the art).

In a related art dealing with a moveable, multipart mobile telephone, Murray teaches of an antenna coupled to said radio transceiver (Figure 7, item 702 and 116); and an arrangement for attaching a battery to the second part parallel to the second keyboard part (Figures 7 and 10, items 720, 718, and 706).

It would have been obvious to one skilled in the art at the time of invention to have included into Applicant's admitted prior art and Reber's movable, multipart mobile telephone,

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Murray's arrangement of components, for the purposes of reduction in size (which are achievable from Murray's improved routing and flexible circuit elements system), as taught by Murray.

8. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art, in view of Reber et al. (Reber, US Patent No. 6,002,946) and Murray et al. (Murray, US Patent No. 6,011,699) as applied to claim 40 above, and further in view of Harris et al. (Harris et al., US Patent No. 6,118,986).

Regarding claim 40, Applicant's admitted prior art in view of Reber and Murray teach all the claimed limitations as recited in claim 35. Applicant's admitted prior art further teaches of wherein the second part is slidably movable in relation to the first part in between the first and the second position (Figure 4 and page 2, lines 24 –29)

Applicant's admitted prior art in view of Reber and Murray do not specifically state for which function the second part comprises slide rails and the first part comprises matching counter-rails (though Applicant's admitted prior art does teach of sliding, Figure 4 and page 2, lines 24 –29).

In a related art dealing with a multiple housing, expandable communication device, Harris teaches of which function the second part comprises slide rails and the first part comprises matching counter-rails (column 3, lines 57 –62).

It would have been obvious to one skilled in the art at the time of invention to have included into Applicant's admitted prior art in view of Reber and Murray's movable, multipart mobile telephone, Harris's different sliding rail, as a matter of design choice to connect the two housings (as known in the art), as taught by Harris.

Regarding claim 41, Applicant's admitted prior art in view of Reber, Murray, and Harris teach all the claimed limitations as recited in claim 40. Applicant's admitted prior art and Harris both further teach of wherein said first part and second part are in the first position located essentially on top of each other (Applicant's admitted prior art: Figure 4 and Harris: Figures 1 and 2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tanmay S Lele  
Examiner  
Art Unit 2684

tsl  
September 16, 2004

  
**NICK CORSARO**  
**PRIMARY EXAMINER**